

BEFORE THE PERSONNEL APPEALS BOARD

STATE OF WASHINGTON

PAUL STASCH,	)	
	)	
Appellant,	)	Case No. ALLO-00-0001
	)	
v.	)	
	)	ORDER OF THE BOARD FOLLOWING
	)	HEARING ON EXCEPTIONS TO THE
DEPARTMENT OF ECOLOGY,	)	DETERMINATION OF THE DIRECTOR
	)	
Respondent.	)	

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**Hearing on Exceptions.** This appeal came on for hearing before the Personnel Appeals Board, WALTER T. HUBBARD, Chair; GERALD L. MORGEN, Vice Chair; and LEANA D. LAMB, Member, on Appellant's exceptions to the Director's determination dated December 17, 1999. The hearing was held at the office of the Personnel Appeals Board in Olympia, Washington, on January 17, 2001.

**Appearances.** Appellant Paul Stasch was present and was represented by Shelley Brandt, Attorney at Law of Cordes Brandt, PLLC. Respondent Department of Ecology (ECY) was represented by Amy C. Estes, Assistant Attorney General.

**Background.** Appellant requested a reallocation of his position by submitting a classification questionnaire (CQ) to the ECY Employee Services Office on March 31, 1999. Allen Jacobs conducted a review of Appellant's position. Mr. Jacobs determined that Appellant's position was properly allocated to the Environmental Specialist 3 classification.

On August 2, 1999, Appellant appealed Mr. Jacobs' decision to the Director of the Department of Personnel. The Director's designee, Paul Peterson, conducted an allocation review of Appellant's position. By letter dated December 17, 1999, Mr. Peterson determined that Appellant's position was properly allocated. On January 14, 2000, Appellant filed timely exceptions to the Director's

1 determination with the Personnel Appeals Board. Appellant's exceptions are the subject of this  
2 proceeding.

3 In summary, Appellant takes exception to the finding that his position has not been given written  
4 designation as a senior specialist or agency expert as required for allocation to the Environmental  
5 Specialist (ES) 4.

6  
7 Appellant works within the Water Quality Program. He is a senior technical specialist, works with  
8 cross-program, multi-media pollution prevention initiatives, and works independently.

9  
10 **Summary of Appellant's Argument.** Appellant argues that the level of duties and responsibilities  
11 described in his CQ meet the definition of the ES 4 classification. Appellant contends that he is the  
12 senior staff specialist and expert in his assigned areas. Appellant argues that both his immediate  
13 and second-line supervisors signed his CQ and agreed with the description of his duties contained  
14 therein. Appellant contends that the Director's decision incorrectly determined that Appellant  
15 needed a second designation, outside of his CQ, to establish that he is the designated expert for his  
16 subject area. Appellant asserts that the complexity of his duties and the level of his responsibilities  
17 are comparable to other positions in the agency that are allocated to the ES 4 classification.  
18 Furthermore, Appellant asserts that he has been performing ES 4 duties since 1994 and that he  
19 should be awarded appropriate compensation for the entire length of time that he has been  
20 performing these higher level duties.

21 **Summary of Respondent's Argument.** Respondent argues that Appellant's CQ describes duties  
22 and responsibilities encompassed in the definition and typical work of the ES 3 classification.  
23 Respondent asserts that Appellant is not assigned high priority projects and does not train and  
24 mentor junior staff as required by the ES 4 classification. Furthermore, Respondent asserts that  
25 Appellant has not been given written designation as the expert for the water quality program by a  
26 "program manager, assistant secretary or higher" as required by the ES 4 classification. Respondent

acknowledges that Appellant's duties require him to use his experience and specialized knowledge, but argues that Appellant's assignments are not complex or difficult in nature. Therefore, Respondent contends that the duties and responsibilities of Appellant's position are best described by the ES 3 classification.

**Primary Issue.** Whether the Director's determination that Appellant's position is properly allocated to the Environmental Specialist 3 classification should be affirmed.

**Relevant Classifications.** Environmental Specialist 3, class code 62970, and Environmental Specialist 4, class code 62980.

**Decision of the Board.** The purpose of a position review is to determine which classification best describes the overall duties and responsibilities of a position. A position review is neither a measurement of the volume of work performed, nor an evaluation of the expertise with which that work is performed. Also, a position review is not a comparison of work performed by employees in similar positions. A position review is a comparison of the duties and responsibilities of a particular position to the available classification specifications. This review results in a determination of the class which best describes the overall duties and responsibilities of the position. Liddle-Stamper v. Washington State University, PAB Case No. 3722-A2 (1994).

While a comparison of one position to another similar position may be useful in gaining a better understanding of the duties performed by and the level of responsibility assigned to an incumbent, allocation of a position must be based on the overall duties and responsibilities assigned to an individual position compared to the existing classifications. The allocation or misallocation of a similar position is not a determining factor in the appropriate allocation of a position. Flahaut v. Dept's of Personnel and Labor and Industries, PAB No. ALLO 96-0009 (1996).

Because a current and accurate description of a position's duties and responsibilities is documented in an approved classification questionnaire, the classification questionnaire becomes the basis for

1 allocation of a position. An allocation determination must be based on the overall duties and  
2 responsibilities, as document in the CQ. Lawrence v Dept of Social and Health Services, PAB No.  
3 ALLO-99-0027 (2000).

4 Position allocations are “based upon an investigation of duties and responsibilities assigned and/or  
5 performed and other information and recommendations.” (WAC 356-20-200). In this case,  
6 because the ES 4 classification requires written designation as an expert, we must consider whether  
7 Appellant's position has been given such a designation either in his CQ or by some other form of  
8 documentation.

9  
10 The ES 4 definition requires that before a position can be allocated to this classification, the  
11 position must be given written designation as a section expert by a program manager, assistant  
12 secretary, or higher. Appellant's only exception concerns whether he has been so designated. In his  
13 CQ, Appellant stated that he is the "senior Environmental Specialist" and "technical and regulatory  
14 expert for the Water Quality Program." However, his first- and second-line supervisors disagree  
15 that he is designated in writing as a senior environmental specialist or section expert. While they  
16 signed the CQ and agreed with the description of the duties contained therein, neither Appellant's  
17 first- or second-line supervisors are equivalent to the program manager or assistant secretary  
18 positions and neither believes that he performs duties and responsibilities at the ES 4 level.  
19 Appellant failed to provide any form of written documentation from the program manager, assistant  
20 secretary, equivalent or higher stating that he is the designated expert for his section. Therefore,  
21 because this is the only issue before the Board, we conclude that the Director designee correctly  
22 determined that allocation of Appellant's position to the Environmental Specialist 4 classification is  
23 not appropriate.

24 The definition of the Environmental Specialist 3 classification best describes the overall scope of  
25 duties and level of responsibility of Appellant’s position. ES 3's are environmental specialists who  
26

1 function independently. Furthermore, a majority of the duties and responsibilities of Appellant's  
2 position are specifically addressed in the definition of the ES 3 classification which includes  
3 performing the functions of compliance, enforcement, gathering and analyzing information to  
4 develop recommendations and make decisions, and developing, reviewing and overseeing permits.

5 **Conclusion.** The appeal on exceptions by Appellant should be denied and the Director's  
6 determination, dated December 17, 1999, should be affirmed and adopted.

7  
8 **ORDER**

9 NOW, THEREFORE, IT IS HEREBY ORDERED that the appeal on exceptions by Appellant is  
10 denied and the Director's determination dated December 17, 1999, is affirmed and adopted. A copy  
11 is attached.

12 DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2001.

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14 WASHINGTON STATE PERSONNEL APPEALS BOARD

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16 \_\_\_\_\_  
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